



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Paper No. 22

NORMAN R KLIVANS
SKJERVEN MORRILL MACPHERSON
FRANKLIN & FRIEL
25 METRO DRIVE SUITE 700
SAN JOSE, CA 95110

COPY MAILED

SEP 12 2000

SPECIAL PROGRAMS OFFICE
DAC FOR PATENTS

In re Application of :
John O. Ryan :
Application No. 08/977,846 : NOTICE
Filed: November 25, 1997 :
Attorney Docket No. M-2338-3C-US :
:

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc., No. 97-1128, - 1280, -1453, 1998 U.S. App. LEXIS 21409, at *30 (Fed. Cir. Sept. 1, 1998). Therefore, your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

Inquiries related to this communication should be directed to the Office of Petitions Staff at (703) 305-9285.

This file is being forwarded to Publishing Division to be processed into a patent.

Wan Laymon
Wan Laymon
Petitions Examiner
Office of Petitions
Office of the Deputy Assistant Commissioner
for Patent Policy and Projects